

## UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America )

v. )

Case No. 3:20-mj-00118 )

COURTNEY WAYNE CANTERBURY )

Defendant(s)

**CRIMINAL COMPLAINT  
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 31, 2020 in the county of Clackamas in the  
       District of Oregon, the defendant(s) violated:

*Code Section*

18 U.S.C. § 751(a)

*Offense Description*

Escape

This criminal complaint is based on these facts:

See attached affidavit of ~~Special Agent~~ Aaron Pfenning, ~~ATF~~☒ Continued on the attached sheet.

(By phone)

*Complainant's signature*Aaron Pfenning, Deputy U.S. Marshal*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 telephone at 3:28 a.m./p.m.

Date: May 22, 2020*Judge's signature*City and state: Portland, OregonHon. Stacie F. Beckerman, U.S. Magistrate Judge*Printed name and title*

DISTRICT OF OREGON, ss.

AFFIDAVIT OF AARON PFENNING

**Affidavit in Support of a Criminal Complaint and Arrest Warrant**

I, Aaron Pfenning, being first duly sworn, do hereby depose and say:

**Introduction and Agent Background**

1. I am a Deputy U.S. Marshal of the U.S. Marshals Service (USMS) and have been so employed for approximately 12 years. I am assigned to the U.S. Marshals Service Warrant Section which assists with the investigation and apprehension of fugitives.

2. This affidavit is made in support of a criminal complaint charging Courtney Wayne Canterbury with escaping from the custody of the Bureau of Prisons (BOP), in violation of Title 18, United States Code, Section 751(a).

**Applicable Laws**

3. Title 18, United States Code, Section 751(a) provides:

(a) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined under this title or imprisoned not more than five years, or both; or if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

**Statement of Probable Cause**

4. The following information, facts, and occurrences are the result of my knowledge, conversations with other law enforcement officers, and from my review of reports related to this investigation. This affidavit is intended to show there is probable cause for the requested

criminal complaint and arrest warrant, and does not purport to set forth all of my knowledge of, or investigation into this matter. I have personally reviewed documents in our office provided by the Bureau of Prisons concerning Courtney Wayne Canterbury together with documents issued by the Circuit Court for the District of Oregon, germane to this matter.

5. On June 15, 2016, Courtney Wayne Canterbury, Federal Register Number 78701-065, was sentenced by the Honorable Judge Marco Hernandez, District of Oregon, to a prison term of 63 months in the custody of the Bureau of Prisons in case number 15-CR-00447-HZ for Felon in Possession of a Firearm, in violation of 18 United States Code, Section 922(g)(1).

6. On June 5, 2019, the Bureau of Prisons, released Canterbury from Lompoc, a federal prison facility, to the Northwest Regional Reentry Center (NWRRC), in Portland, Oregon, to begin the pre-release component of his sentence. The NWRRC authorized home detention, subject to GPS based location monitoring using an ankle bracelet on March 17, 2020, to a specific address in Oregon.

7. As part of the release from Lompoc on June 5, 2019, Canterbury signed a notice entitled “Community Based Program Agreement” that stated: “In the event that I am approved for Home Detention, I agree to abide by the following conditions related to my legal participation in Home Detention.” The notice included the following admonition: “I am aware that I will legally remain the custody of the Bureau of Prisons and/or the U.S. Attorney General and that the failure to remain at the required locations may result in disciplinary action and/or prosecution for escape.”

8. On March 31, 2020 at approximately 19:45 hours, while on home detention and in the custody of the Bureau of Prisons and the U.S. Attorney General, Courtney Wayne Canterbury removed his ankle GPS monitor and absconded/escaped from the residence where he

was required to stay on home detention. The NWRRC staff received a Master Tamper Alarm from Canterbury removing his ankle GPS and proceeded to call Canterbury, leaving voicemails with no success.

9. The NWRRC staff then notified Bureau of Prisons at 20:30 hours and the U.S. Marshals Service at 21:00 hours. NWRRC Case Manager Supervisor Michael GARCIA provided documents to support the escape, to include a photograph of Canterbury and the Escape and Abscond agreement Canterbury signed when he arrived at the NWRRC understanding he could be charged with escape if he absconded from home detention.

### **Conclusion**

10. Based on the foregoing, I have probable cause to believe and do believe that Courtney Wayne Canterbury has committed the offense of Escape, in violation of Title 18, United States Code, Sections 751 and 4082.

11. Prior to being submitted to the Court, this affidavit and accompanying criminal complaint and arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Greg Nyhus. AUSA Nyhus advised me that in his opinion, the affidavit and criminal complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

(By phone)

\_\_\_\_\_  
Aaron Pfenning  
Deputy United States Marshal

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at

3:28 ~~p.m.~~ ~~a.m.~~ on May 22, 2020.

  
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HONORABLE STACIE F. BECKERMAN  
UNITED STATES MAGISTRATE JUDGE